

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GIL V. PEREZ,

Plaintiff, **NOTICE OF REMOVAL**

-against-

THE CITY OF NEW YORK and THE
DEPARTMENT OF CITYWIDE
ADMINISTRATIVE SERVICES,

Case No. 16 Civ. _____

Defendants.

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**TO: THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

Defendants The City of New York and the Department of Citywide Administrative Services (“defendants”), by Zachary W. Carter, Corporation Counsel of the City of New York, hereby file this Notice of Removal for the removal of this case from the Supreme Court of the State of New York, New York County, to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. §§ 1441 and 1443. In support thereof, defendants respectfully states as follows:

1. On August 25, 2016, an action was commenced in the Supreme Court of the State of New York, County of New York, under Index No. 654482/2016, naming the above captioned defendants as parties in this action.
2. Defendants were served with the Summons and Complaint in the above-entitled action on August 25, 2016. A copy of the Summons and Complaint is annexed hereto as Exhibit “A.”

3. The above-captioned action is a civil action of which the District Court has original jurisdiction pursuant to 28 U.S.C. § 1331 (Federal Question), in that it alleges claims which arise under the Constitution and laws of the United States.

4. Specifically, the Complaint alleges inter alia, that defendants violated plaintiff's federal civil rights under The Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq. See Ex. "A" ¶¶ 1, 58-60

5. This action is therefore removable to the District Court without regard to the citizenship or residence of the parties, pursuant to 28 U.S.C. §§ 1441 and 1443.

6. This Notice of Removal is timely because it is being filed within thirty days (30) days of receipt of the initial pleading placing defendants on notice of the plaintiff's federal claims. See 28 U.S.C. § 1446(b).

7. Defendants are unaware of any previous application for the relief requested herein.

8. Defendants will promptly serve a copy of this Notice of Removal on counsel for plaintiff, and will file a copy of this Notice of Removal with the Clerk of the state court in which the action has been pending, pursuant to 28 U.S.C. §1446(d).

9. Defendants reserve all claims and defenses, including, without limitation, those set forth in Fed. R. Civ. P. 12(b).

WHEREFORE, defendants respectfully requests that the above-captioned action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York
September 9, 2016

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 2-138
New York, New York 10007
Tel: (212) 356-2457
hmartone@law.nyc.gov

By: _____



Heather Martone
Assistant Corporation Counsel

TO: Paul C. Cavaliere, Esq.
325 Broadway, Suite 302
New York, New York 10007
(212) 219-3551

CERTIFICATE OF SERVICE

I, Heather Martone, declare under penalty of perjury that I have served a copy of the attached Notice of Removal on the party listed below by first class mail.

Paul C. Cavaliere, Esq.
325 Broadway, Suite 302
New York, New York 10007
(212) 219-3551

Dated: New York, New York
September 9, 2016



Heather Martone
Assistant Corporation Counsel

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ZACHARY W. CARTER

Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street, Room 2-138
New York, New York 10007

Of Counsel: Heather Martone
Tel: (212) 356-2457
Matter No. 2016-033624

Due and timely service is hereby admitted.

New York, N.Y., 20__

..... Esq.

Attorney for